

10-28-02

1642



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 471 US)

In the Application f: KOKEN, Marcel, et al)

Serial No: 09/744,605)

Examiner: Davis, N. A.

Filing Date: July 27, 2001)

Group Art Unit: 1642

For: Use of Novel Agents Inducing Cell Death in Synergy with Interferons)

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Date: October 25, 2002

Diane Cuddemi
Diane Cuddemi

RESPONSE TO THE OFFICE ACTION MAILED SEPTEMBER 25, 2002

Box Non-Fee Amendment
Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please consider the following remarks made in response to the Office Action mailed September 25, 2002.

REMARKS

Group 1 is provisionally elected with traverse. The restriction requirement is submitted to be improper because claims 12 thru 23 belong to a single general inventive concept under PCT rule 13.1.

The prior art reference cited by the Examiner (DNAS 94, pp. 3978-3983, 1997) does not disclose the claimed method of treatment relating to administration of a combination of a substance which promotes the response comprising the targeting of the PML protein towards the nuclear bodies and/or stabilizes PML and the PML protein and/or an agent inducing the overexpression of the PML protein. All of claims 12 to 23 relate to a combination therapy that is not disclosed or suggested in the prior art.

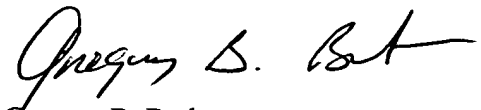
In view of the foregoing the Applicants respectfully request that the requirement with regards to claims 12 thru 23 be withdrawn upon reconsideration.

Date: October 25, 2002

Tel: 781-681-2796

Fax: 781-681-2946

Respectively submitted,



Gregory B. Butler

Reg. No. 34,558

Serono Reproductive Biology
Institute
One Technology Place
Rockland, MA 02370